

to protect women and children affected by a complex humanitarian emergency. The report shall include—

- (1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;
- (2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and
- (3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

DEMOCRACY BUILDING IN CUBA

SEC. 699G. (a) Of the funds appropriated in title II, under the heading "TRANSITION INITIATIVES" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

- (1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.
- (2) Humanitarian assistance to victims of political repression, and their families.
- (3) Support for democratic and human rights groups in Cuba.
- (4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 699H. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SEC. 699I. Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

- (1) through the use of funds appropriated under this Act; and
- (2) to the extent available, by—
 - (A) the World Health Organization; and
 - (B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

ASSISTANCE FOR HIV/AIDS

SEC. 699J. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria

Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.'";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act)."; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

GLOBAL AIDS ASSISTANCE

SEC. 699K. For an additional amount for "Global AIDS Initiative", \$289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. 699L. (a) Subject to subsection (b), none of the funds appropriated under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

SEC. 699M. Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

THE CARE ACT

Mr. GRASSLEY. Mr. President, I rise to speak on the CARE Act. The CARE Act is the President's initiative to strengthen the work of charities in this country by providing greater incentives to give to nonprofits. Recent

newspaper accounts have noted that charitable giving has declined in the recent year. Clearly, the President is right to seek additional tax benefits for charitable giving.

I cannot improve upon the Democratic leader's own assessment at the time the CARE Act was passed by the Senate, when he said this:

This legislation, the CARE Act, expands our Nation's capacity to respond to the needs of its citizens who need help.

These are very fine words. Unfortunately, these words are not being translated into action. The Finance Committee passed the CARE Act on February 27 and it was passed by the full Senate on April 9. The other body passed the CARE Act earlier this fall. However, the Senate has been prevented from going to conference on this important legislation. The other side has repeatedly blocked efforts to take the traditional step of going to conference with the House to resolve outstanding matters and, in turn, then put the President's good goals into law.

While there have been many arguments and claims made by the other side about why we cannot go to conference on the CARE Act, they seem to have settled now on one, that the CARE Act is not going forward because of concerns that Democrat conferees from the Senate will not be able to meaningfully participate in this conference.

I think, at least in the case of any legislation coming out of the Finance Committee, that sort of argument is pure nonsense. There is nothing in the history of this specific act, the CARE Act, or my dealings with the other side, that would give the other side cause to suggest that they have justification to be concerned they would be shut out.

The CARE Act has at all times been a bipartisan effort, beginning with Senators SANTORUM and LIEBERMAN as the prime sponsors of this CARE Act. In addition, I have worked closely with Senator BAUCUS on this matter as well as other members of the Democratic side of the aisle. Many of the provisions of this bill are due to priorities and concerns voiced by the minority. I think it is fair to say that, as chairman, no one has gone further in working with and listening to the other side on matters that are of concern, not only in the CARE Act but in all legislation considered by the Finance Committee.

The relationship between Senator BAUCUS and I working cooperatively is too well known for the leadership on the other side to ignore. I intend that tradition of bipartisanship to continue in conference on the CARE Act. In fact, let me make it very clear. I give my word at this time, as at other times, that all conferees from the Senate will be meaningfully participating in the conference, and I am confident we will come back from conference with a bill that will enjoy similar strong bipartisan support enjoyed by the CARE Act when it first passed the Senate.

I cannot make a stronger statement or commitment. To reject it is to suggest that the Democratic leadership does not think that I and Senator BAUCUS will continue our tradition of working in a bipartisan spirit on this bill. I cannot believe the leadership of the other side harbors such a view.

So if that is the true reason, concern that Senate Democrats will not be able to meaningfully participate, I have given my word that will not be the case. So we should now be able to go forward with a conference on the legislation that the minority leader stated, when it passed,

... will get meaningful aid to organizations and institutions that are equipped to help those who need help the most.

I am worried that even though I have addressed the stated concern, we will still not see movement on the CARE Act for unspoken reasons.

When it comes to unspoken reasons, it is just a matter of guess, or maybe responding to whispers in the hallways.

It has been discussed widely in the media that many people "hate" President Bush. I fear this hatred is being translated into stopping the President's signature initiative of strengthening our charitable arena.

The sad thing is that the zeal to keep the President from having a "win" will mean, as well noted by the minority leader, "fewer meals for the hungry, fewer beds for the homeless, fewer safe havens for battered wives and children." I think this is most unfortunate.

When I questioned President Clinton's AmeriCorps Program 10 years ago, I did not seek to end that program. I sought to reform it and to make it work the way President Clinton intended that it work. I thought then that President Clinton had a right to a small program for which he had campaigned so aggressively. President Bush deserves the same courtesy by allowing these tax initiatives for charitable giving to go through.

I am also concerned that overlooked is that the CARE Act contains many other provisions Members are stopping. Let us not forget that the CARE Act is paid for by the most sweeping efforts to stop tax shelters in a generation. Those who stop the CARE Act are certainly being cheered on by the hucksters selling tax shelters so that corporations can continue to avoid fair taxation.

In addition, the CARE Act also now includes legislation that will provide tax relief for our military as well as low-income families with children. I have never seen such hand-wringing in this Chamber as has been the case regarding the need to pass military tax relief and expanded child credit for low-income families. Now that we have a chance to have these matters go to conference on a bill that has a real chance of becoming law, we are being stopped by the Democratic minority. I am worried that what is desired by some is an issue—not a solution to the child credit for low-income families and tax relief for military personnel.

Let me close by saying I have addressed the other side's stated concerns. I have given my personal commitment that Democratic Members will be meaningful participants in the conference on the CARE Act. If that is their only reason, then I have put that to rest. If they continue to object, I fear it is for a small reason, maybe a petty reason, a reason that puts partisanship before the welfare of those most in need. If that is the case, I can only state that I am saddened and certainly disappointed.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendments which are at the desk be agreed to en bloc; that the substitute amendment which is the text of S. 476, the Senate-passed version of the charitable choice bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with the ratio of 3 to 12, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, I say to my friend that I have the greatest admiration and respect for the Senator from Iowa. I don't say that lightly. No one I know of has ever questioned his ability to be a legislator in the truest sense of the word.

Let me also say—and I speak for myself and I hope I speak for everyone on this side—that I don't hate President Bush. I disagree with him on certain issues. I certainly don't hate him. I don't dislike President Bush. I like him. In all of our meetings, on a personal basis, he has been very cordial. He seems to be a very nice man, and he is President of the United States; I recognize that. But on some issues, I disagree.

This matter of how we should proceed has nothing to do with the integrity of the chairman of the Finance Committee. It has everything to do with what has happened with the Republican leadership in the House and the Senate as to what happened with the bills that need to go to conference. We, of course, over here are very concerned—and it is almost to a point of frightening—with these nonconferences that take place.

I object, and I will put forward my own unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the immediate consideration of H.R. 7, as reported by the Senate Finance Committee; that there be only two amendments in order, which are at the desk; that those amendments be agreed to; that the act, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table without any intervening action or debate.

I think that will move this very important piece of legislation forward, and we can resolve it within a matter of days.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Nevada?

Mr. GRASSLEY. Mr. President, reserving the right to object—and I will object—first of all, we have advanced this bill according to the rules of the Senate with the provisions that are necessary to go to conference. I am disappointed we don't have that opportunity to go to conference. This will not be our last effort to try to get to conference.

I appreciate the unanimous consent request by my friend from Nevada, the assistant minority leader, because I know he is sincere in proceeding along the lines he would like to proceed. But I think it does suggest that there is a nervousness on the other side as to the rightness of my original request and that we ought to get this to conference.

The conference could be settled very quickly. We could get the bill back here and for charitable organizations and for military families, and also try to help low-income families with refundable tax credits, as has been the position of the Senate for a long period of time.

I also suggest he may be legitimately concerned about how the other body handles conferences. I appreciate his understanding that I try to be fair. But in the process, comity dictates that what the other body does the other body does, and we have to work within the environment of what we can control. What we can control is what the Senate does. Along those lines, I have made my commitment that there be full Democrat participation, and that is about as far as I can go.

So I object to the unanimous consent request by the Senator from Nevada, the assistant minority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I yield the floor. I thank the Senator from Nevada.

UNANIMOUS CONSENT REQUEST— H.R. 1904

Mr. McCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1904, the Healthy Forests bill, the Senate insist upon its amendments and request a conference with the House. I further ask that the Chair be authorized to appoint conferees at a ratio of 3-2.